

Application No. 09/264,432
Amendment "D" dated October 15, 2003
Reply to Office Action of July 18, 2003

REMARKS

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on October 10, 2003. The amendments and remarks made by this paper are consistent with the proposals and discussions presented during the interview.

In the latest Office Action, all of the pending claims 1, 4, 5, 7, 8, 14, 15, 19 and 33-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Perlman (WO 98/56128) in view of Ballard (U.S. Patent No. 6,182,050) and further in view of Eldering (U.S. Patent No. 6,457,010).¹

By this paper, claims 1 and 44-45 have been amended and claim 43 has been cancelled, such that claims 1, 4, 5, 7, 8, 14, 15, 19, 33-42 and 44-47 remain pending. Of these pending claims, 1, 34 and 44 are the only independent claims that remain at issue.

As discussed during the interview, the claims recite methods for inserting targeted advertisements into documents that are displayed to a user. In particular, the recited methods include the acts of compiling a user profile that is based at least in part on the television programming that is viewed by the user, requesting and displaying an information document, and then using the user's profile to select an advertisement that is inserted into the document for display to the user.

The method and corresponding computer program product that are recited in claims 1 and 34 also include the act of replacing a preexisting advertisement in the document by overwriting the preexisting advertisement with the newly selected advertisement.²

The method recited in claim 44 is directed to an alternative embodiment in which more recently viewed television programming is given more weight in creating the user's profile than older programming.³

As further discussed during the interview, the cited art of record fails to anticipate or obviate the claimed embodiments of the invention, either singly or in combination.

¹ Although the prior status of the cited art (Perlman, Ballard and Eldering) is not being challenged at this time, it will be appreciated that the Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time.

² Support in the specification for the amendments to claims 1 and 34, with particular regard to overwriting an existing advertisement, is drawn from page 21, lines 3-5 and page 22, lines 4-6 of the specification.

³ Support in the specification for the amendments to claim 44, with particular regard to weighting recently viewed television programming more heavily in the user's profile, is drawn from page 17, lines 6-9.

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Perlman is generally cited by the Examiner for the proposition that advertisements can be selected and inserted into documents that are sent from a server system to a client system. Ballard is cited by the Examiner for the general teaching that a user's profile can be used to select the advertisements for insertion into the documents. And Eldering is cited by the Examiner for the proposition that a user's profile can be based at least in part on television viewing habits and demographics of the user.

With particular regard to claims 1 and 34, the Examiner has suggested in the latest Office Action that Perlman's teaching of overlaying an advertisement with a new advertisement could be interpreted broadly enough so as to read on applicant's claimed method in which an advertisement is replaced. Although Applicant does not necessarily agree with such a broad interpretation of the term replacing, Applicant has amended the claims to more clearly recite how the replacement takes place. In particular, the claims (1 and 34) have been amended to recite that the selected advertisement replaces a preexisting advertisement by overwriting the preexisting advertisement. Accordingly, even assuming, *arguendo*, that Perlman's 'replacing' could be interpreted so broadly as to include 'overlaying,' Perlman in no way discloses or suggests that an advertisement is overwritten, as now recited in the claims.

Claim 44 has also been amended to more clearly distinguish from the art of record. In particular, claim 44 has been amended to clarify that recently viewed television programming is given more weight in the user's profile than older programming. As discussed during the interview, this claim amendment clarifies the previously recited embodiment in which an advertisement is selected based on a recently viewed television program. Such an embodiment is unique and nonobvious over the art of record. In particular, Ballard, Perlman, and Eldering fail to teach that recently viewed television programming is given more weight in a user's profile than older programming, and particularly in combination with the other recited elements of the claim in which an advertisement is selected and inserted into an information document for displayed to a user, based on the user's profile.

For at least the forgoing reasons, Applicant respectfully submits that the pending claims 1, 4, 5, 7, 8, 14, 15, 19, 33-42 and 44-47 are now in condition for prompt allowance.

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In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14 day of October 2003.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 022913

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